

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5222 OF 2005

Noorhuda Khudabaksa Maulik

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Sandeep Deshmukh (Adv.appointed) for the Applicant
Mr.S.V.More, A.P.P. for State

CORAM: A.S.OKA, J.
DATE : DECEMBER 11, 2006.

P.C.:

1. Heard learned Advocate appointed for espousing the cause of the Applicant and the learned A.P.P. for State. The Applicant has been convicted for offences under sections 452, 325, 309 and 342 of the Indian Penal Code. The substantive sentences have been ordered to run concurrently. The maximum substantive sentence is of R.I. for five years. The maximum sentence in default of fine is for offence under section 342 of the Indian Penal Code where substantive sentence is for one year. It is not in dispute that the Applicant is in jail from 2nd March 2002. Thus, the Applicant has already undergone sentence for a period of four years and nine months. Thus, the substantial part of the sentence is already undergone by the Applicant. In this view of the matter, the Applicant deserves to be enlarged on bail as it is obvious that the Appeal will not be heard till he undergoes remaining period of sentence.

2. Hence, Application is disposed of by passing the following order :

- i) The Applicant shall be enlarged on the bail in the sum of Rs.5,000/- with one or two local sureties in the like amount.
- ii) Bail is granted subject to the condition that the Applicant will report to the Wada Police Station, District Thane once in every two months till the conclusion of the trial.
- iii) On the request made by the Advocate appointed for the Appellant, the office is directed to appoint another Advocate to espouse the cause of the Appellant at the stage of final hearing.

JUDGE